

APR 14 2003

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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

<i>Application Number</i>	09/444,067
<i>Filing Date</i>	November 19, 1999
<i>Examiner Name</i>	B. Brumback
<i>First Named Inventor</i>	Brian R. Murphy et al.
<i>Group Art Unit</i>	1642
<i>Attorney Docket Number</i>	NIG-0103 (2303-1-3)

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

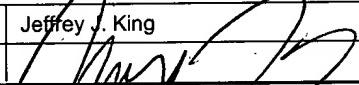
1. **Submission required under 37 C.F.R. § 1.114**

- a.  Previously submitted
  - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
  - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - iii.  Other \_\_\_\_\_
- b. Enclosed
  - i.  Amendment/Reply
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS)
  - iv.  Other \_\_\_\_\_

2. **Miscellaneous**

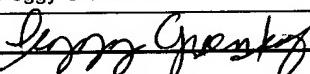
- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b.  Other \_\_\_\_\_
- 3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
  - a.  The Director is hereby authorized to charge any deficiencies in fees, or credit any overpayments, to Deposit Account No.07-1897
    - i.  RCE fee required under 37 C.F.R. § 1.17(e)
    - ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
    - iii.  Other \_\_\_\_\_
  - b.  Check in the amount of \$ 750.00 enclosed
  - c.  Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)	Jeffrey J. King	Registration No. (Attorney/Agent)	38,515
Signature		Date	April 7, 2003

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

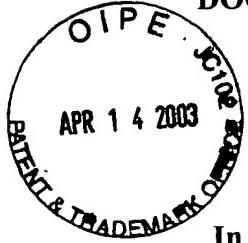
Name (Print /Type)	Peggy Greenleaf	Date	April 7, 2003
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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## In Re Application of:

Brian R. Murphy, Peter L. Collins, Stephen S. Whitehead, Alexander A. Bukreyev,  
Katalin Juhasz, Michael N. Teng

Serial No.: 09/444,067

Group Art Unit: 1642

Filing Date: November 19, 1999

Examiner: B. Brumback

For: PRODUCTION OF ATTENUATED RESPIRATORY SYNCYTIAL VIRUS  
VACCINES FROM CLONED NUCLEOTIDE SEQUENCES

DATE OF DEPOSIT: April 7, 2003

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BOX AF  
Commissioner for Patents  
Washington, DC 20231

Sir:

**AMENDMENT/RESPONSE**

Further to the Notice of Appeal filed on September 3, 2002, and received by the U.S. Patent and Trademark Office on September 9, 2002, and responsive to the Office Action dated March 4, 2002 (Paper No. 16), please enter this Amendment and accompanying remarks. Also filed herewith is a Request for Continued Examination (RCE) and the associated fee. A petition for an extension of time for (5) five months through April 9, 2003, and the appropriate fee, accompany this response.

Please amend the above-identified application as follows:

**IN THE CLAIMS:**

Please cancel claim 120 without prejudice.

Please amend claims 122, 128, 129, 130, and 131 as follows: